



January 29, 2016

HOUSE BILL No. 1263

DIGEST OF HB 1263 (Updated January 27, 2016 6:15 pm - DI 77)

Citations Affected: IC 25-1.

Synopsis: Prescriptions and telemedicine. Sets forth requirements that must be met before a prescriber may prescribe medicine to a patient receiving telemedicine services.

Effective: July 1, 2016.

Kirchhofer

January 11, 2016, read first time and referred to Committee on Public Health.
January 28, 2016, amended, reported — Do Pass.

HB 1263—LS 7023/DI 104



January 29, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1263

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]:

4 **Chapter 9.5. Telemedicine Services and Prescriptions**

5 **Sec. 1. As used in this chapter, "prescriber" means any of the**
6 **following:**

7 (1) **A physician licensed under IC 25-22.5.**

8 (2) **A physician assistant licensed under IC 25-27.5 and**
9 **granted the authority to prescribe by the physician assistant's**
10 **supervisory physician in accordance with IC 25-27.5-5-4.**

11 (3) **An advanced practice nurse licensed and granted the**
12 **authority to prescribe drugs under IC 25-23.**

13 **Sec. 2. (a) As used in this chapter, "telemedicine" means the**
14 **delivery of health care services using electronic communications**
15 **and information technology, including:**

16 (1) **secure videoconferencing; or**

17 (2) **interactive audio-using store and forward technology;**

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1 between a health care provider in one (1) location and a patient in
2 another location.

3 (b) The term does not include use of the following:

- 4 (1) Audio-only communication.
- 5 (2) A telephone call.
- 6 (3) E-mail.
- 7 (4) An instant messaging conversation.
- 8 (5) Facsimile.

9 Sec. 3. A prescriber may issue a prescription to a patient who is
10 receiving services through the use of telemedicine even if the
11 patient has not been seen previously by the prescriber in person if
12 the following conditions are met:

13 (1) The prescriber has done the following:

14 (A) Established a provider-patient relationship with the
15 patient, including through the use of electronic
16 communications or information technology.

17 (B) Satisfied the applicable standard of care in the
18 treatment of the patient.

19 (C) Generated and maintained a medical record for the
20 patient that indicates the prescription being prescribed.

21 (2) The issuance of the prescription by the provider is:

22 (A) within the prescriber's scope of practice and
23 certification; and

24 (B) in accordance with any applicable law or rule.

25 (3) The prescription is not for a controlled substance (as
26 defined in IC 35-48-1-9).

27 (4) The prescription is not for an abortion inducing drug (as
28 defined in IC 16-18-2-1.6).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1263, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "and" and insert "**or**".

Page 2, line 9, delete "(a)".

Page 2, line 15, delete "." and insert ", **including through the use of electronic communications or information technology.**".

Page 2, delete lines 26 through 27, begin a new line block indented and insert:

"(4) The prescription is not for an abortion inducing drug (as defined in IC 16-18-2-1.6)."

and when so amended that said bill do pass.

(Reference is to HB 1263 as introduced.)

KIRCHHOFFER

Committee Vote: yeas 8, nays 5.

